

**Legislative and Planning (L&P) Committee Meeting  
 Richmond Marriott Short Pump  
 Friday, August 3, 2018  
 9:00 A.M.**

<b>Members Present:</b>	<b>Members Absent:</b>	<b>OEMS Staff:</b>	<b>Others:</b>
Chris Parker, Chair	VHHA Representative	Scott Winston	Lisa Baber
Ed Rhodes			Jon Henshel
Byron Andrews			Craig Evans
Gary Samuels			Eddie Ferguson
Michael Player			Joe Trigg
Rob Logan, Vice Chair			
Steve Higgins			
Gary Dalton			
Jeff Meyer			

<b>Topic/Subject</b>	<b>Discussion</b>	<b>Recommendations, Action/Follow-up; Responsible Person</b>
<b>WELCOME AND INTRODUCTIONS</b>	Chair Chris Parker called the meeting to order at 9:00 AM. The minutes from Friday, May 4, 2018 meeting were unanimously approved after review by the committee.	<b>Motion made by Michael Player and seconded by Gary Samuels to approve the May 4, 2018 meeting minutes. The Committee voted unanimously to approve the minutes.</b>
<b>OEMS UPDATE</b>	<p><b>OEMS Quarterly Report.</b> Mr. Scott Winston informed the committee members the OEMS quarterly report to the state EMS Advisory Board is posted on the OEMS website. The report may be viewed at <a href="http://www.vdh.virginia.gov/content/uploads/sites/23/2018/07/Quarterly-Report-to-the-State-EMS-Advisory-Board-for-August-3-2018-Complete-with-Appendix.pdf">http://www.vdh.virginia.gov/content/uploads/sites/23/2018/07/Quarterly-Report-to-the-State-EMS-Advisory-Board-for-August-3-2018-Complete-with-Appendix.pdf</a></p> <p><b>VDH and OEMS Personnel Update.</b> Mr. Scott Winston provided the committee members with a VDH and Office of EMS personnel update. Dr. Norman Oliver, MD appointed by Governor Northam as State Health Commissioner effective June 1, 2018. Kim Allen is serving as Acting Chief Deputy Commissioner for Public Health and Preparedness following Dr.</p>	

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	<p>Hughes Melton becoming the new Commissioner for the Department of Behavioral Health and Developmental Services. Recruit is underway for the Chief Deputy Commissioner position. There are seven (7) individuals rotating off the state EMS Advisory Board, including Mr. Gary Critzer, Chair and Ms. Genemarie McGee, Vice Chair. New appointments expected within 30 to 45 days.</p> <p>Mr. Adam Harrell is new Administrative Deputy, Environmental Offices, Shared Administrative Services (SAS). Offices within SAS include OEMS, Office of Drinking Water, Office of Environmental Health, and Office of Radiological Health. Amanda Davis has left OEMS to become new Grants Manager for SAS. Interviews for two fiscal technician positions who left for the SAS conducted the week of July 16. New employees scheduled to start on August 10 and August 25. Management Lead Analyst and Analyst Statistician positions in Division of Trauma and Critical Care Services formerly held by Mr. Dwight Crews and Ms. Sunny Lessner are vacant due to resignation. OEMS continues to look for qualified candidates in a wage or contract basis. Winnie Pennington, Emergency Operations Planner for the Division of Emergency Operations has retired. Recruitment for Winnie's vacant position is in the second round of interviews. Interviews for the vacant Training and Development Coordinator position within the Division of Educational Development were conducted on July 23. New employee scheduled to begin work on August 10. EMS Systems Planner position formerly held by Mr. Tim Perkins is under recruit. A top candidate has been identified and salary and reference checks are currently being completed. There is a vacancy in the Background Investigations unit. Ms. Cynthia Fien has resigned to take a full time position with the Virginia State Police. OEMS has received numerous applications for the wage position opening vacated by Ms. Fien. Background checks are up to date. Mr. Ron Passmore, Regulation and Compliance Manager, Mr. Winston, Asst. Director and Mr. Adam Harrell, Administrative Deputy are evaluating the possibility of contracting the function of obtaining finger print based criminal history records. Interviews for the Consolidated Test Site Supervisor position held on July 26 in Roanoke. A top candidate is identified. There are approximately 80 applicants for ten (10) vacant Consolidated Test Site Examiner positions. Mr. Ken Crumpler, OEMS Communications Coordinator has announced his resignation in early September to become the new Motorcycle Safety Coordinator for the Virginia Department of Motor Vehicles (DMV). Position vacated by Mr. Adam Harrell as OEMS Business Manager will be posted for</p>	

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	<p>recruitment as soon as approval is obtained by VDH, Office of Human Resource Management (OHRM).</p> <p><b>OEMS Office Build-out.</b> Mr. Winston briefed the committee on the plans to relocate OEMS staff assigned to work at 1001 Technology Park Drive to office space next to existing space occupied by OEMS at 1041 Technology Park Drive. Build out and remodeling will be conducted in phases and is scheduled to begin in September 2018. Work will be completed in January/February 2019.</p> <p><b>REPLICA.</b> Recognition of EMS Personnel Licensure Interstate Compact (REPLICA) continues to gain momentum. Sixteen (16) states have adopted REPLICA. The latest states are NE, MO, and NH. Tennessee remains the only state that borders Virginia that has adopted REPLICA. KY and WV are pursuing adoption in their respective legislatures and MD has begun discussions to consider adopting REPLICA in their state. NC will be a late adopter because they currently do not use NREMT as their initial certification examination.</p> <p><b>39<sup>th</sup> Annual Virginia EMS Symposium.</b> Registration for the 2018 Virginia EMS Symposium began on Tuesday, July 31 and is open until October 5.</p> <p><b>EMS Scholarship Program (EMSSP).</b> Due to unresolved program deliverables, OEMS has discontinued collaboration with VDH, Office of Health Equity (OHE) to manage the Scholarship program on May 31, 2018. The Office is revamping the scholarship program that is portal based and scheduled to launch in September 2018. There will be two pathways for funding, a scholarship component for individuals and a grant component for EMS agencies. Base amount funding is a percentage of the cost derived from the number of credit hours assigned by the Virginia EMS Community College System (VCCS) for each level multiplied by the cost of a VCCS credit hour. Additional funding added to the base amount will utilize eGift stressors; Health Professional Shortage Area, Medically Underserved Area/Population, Fiscal Stress Index, and Return to Localities fund balances. The awards are for initial EMS certification programs and will only be awarded to an individual once per level per five years. The awardee is expected to receive EMS certification at the level of the course within 2 years of the course end date and affiliate with a licensed EMS agency. The contract must be signed by</p>	

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	the awardee reflecting their understanding that VDH has the ability to retrieve awards for failure to meet the requirements of the contract.	
<b>STATE EMS PLAN</b>	State EMS Advisory Board approved the state EMS Plan at their November 9, 2016 Board meeting. The Board of Health at their March 16, 2017 meeting unanimously approved the plan. The plan will be presented to the Board of Health in 2020. Each committee of the state EMS Advisory Board is requested to provide input and suggested revisions to the state plan in the coming year (2019).	 2016StatePlanFinalD raft.docx
<b>REGULATORY UPDATE</b>	<p><b><u>Chapter 31: Virginia Emergency Medical Services Regulations to be repealed</u></b></p> <p>OEMS is required to conduct a periodic review of the EMS Regulations (12VAC5-31) every four (4) years. The Rules and Regulations committee has initiated a periodic review of the Virginia EMS Regulations (12VAC5-31).</p> <p>A Notice of Intended Regulatory Action (NOIRA) was approved by the Commissioner on behalf of the Board of Health. The public comment period for the NOIRA was held May 15 – June 14, 2017. OEMS did not receive any public comments related to the NOIRA.</p> <p>On Thursday, August 2, The Rules and Regulations Committee voted to unanimously approve moving to phase 2 of the regulatory process. Phase 2 involves submitting a regulatory package (Form TH-2 and sync Regulatory Information System (RIS) project) for review on Town Hall. Next, Executive Branch Review (Office of Attorney General (OAG), Dept. of Planning and Budget (DPB), Cabinet Secretary and Governor. Followed by sixty (60) day public comment period on Town Hall and at least one public comment forum.</p> <p>Text of the proposed EMS Regulations (12VAC5-32) will be posted on the Virginia Register and OEMS Web site once Executive Branch Review is completed.</p>	
<b>2018 VIRGINIA GENERAL ASSEMBLY</b>	The committee discussed HB 777, dealing with Air Medical Services – Concern over the high cost of Air Medical Transportation. The bill, as introduced requires an EMS provider to obtain written consent prior to initiating air medical transport services. It also requires the	

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	<p>development of a separate consent form for EMS personnel that the patient must receive and sign before they can be transported by air medical services. The Bill asks for development of statewide EMS Air Medical Dispatch Transport protocols. HB777 was left in House, Welfare and Institutions (HWI) committee and continued to 2019 in HWI by voice vote.</p> <p>SB663 &amp; HB778 are identical bills and approved by the Governor on March 30, 2018 and March 9, 2018 respectively. Each hospital must provide written or electronic notice to the patient or his authorized representative that should they go by air there is the potential the air medical provider that arrives to transport them may not be within their health care provider insurance network, resulting in a large out of pocket expense. This would be required prior to the patient is transferred.</p> <p>Language from SB663 and HB778</p> <p><i>Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan.</i></p> <p><b>2. That the provisions of the first enactment of this act shall become effective on March 1, 2019.</b></p> <p><b>3. That the Office of Emergency Medical Services shall, as soon as possible and no later than <u>January 1, 2019</u>, develop a mechanism by which to disclose to the patient, prior to services provided by an out of network air transport provider, a good faith estimate of the range of typical charges for out of network air transport services provided in that geographic area.</b></p> <p>On March 5, 2018, the Governor approved SB703, introduced by Senator Frank Ruff. The Track Safety Director at Virginia International Raceway (VIR) located in Halifax and Pittsylvania County requested the bill. VIR is reportedly struggling to provide EMS staff for large events. Event organizers are required to notify OEMS 10 days prior to the event, the names of individuals in order to verify these individuals hold valid credentials and have no</p>	

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	<p>disciplinary actions against them. Discrepancies exist between NC and VA certification levels. NC is not a REPLICIA state. The bill does recognize that REPLICIA exists and the provisions in REPLICIA must be followed. Limited to states that border Virginia. EMS agencies requesting to use out-of-state certified EMS providers must apply in advance for a Special Events Permit. The application process for this permit is posted on the OEMS web site and includes use of the EMS agency portal through the Licensure, Compliance and Regulations (LCR) program.</p> <p>In the proposed EMS Regulations (12VAC5-32-910) a new EMS Personnel Fitness to Practice section has been developed to address requirements for mental health awareness training resulting from the passage of HB 1412/SB 670. This new section of the proposed EMS Regulations also require EMS agencies to develop fatigue risk management guidelines.</p> <p>SB715 allowing firefighters and EMS personnel with concealed weapons permits to carry firearms onto permitted EMS vehicles was defeated. However, the patron of the bill, Senator Chase has reintroduced the bill (SB1012) and it is on the list of bills to be heard during the 2019 session of the Virginia General Assembly. At the Regional EMS Council Executive Directors Group meeting held on Thursday, August 2, the group voted to oppose this bill.</p>	
<b>UNFINISHED BUSINESS</b>	No business remains unfinished.	
<b>NEW BUSINESS</b>	The VHHA representative on the EMS Advisory Board, formerly held by Charlotte Tyson is vacant. VHHA has submitted a nominee to the Secretary of the Commonwealth for consideration by the Governor. Mr. Winston agreed to contact VHHA and request representation from their organization on the Legislative and Planning Committee.	<b>Mr. Winston will contact VHHA to request representation on the L&amp;P Committee.</b>
<b>PUBLIC COMMENT</b>	There is no public comment.	
<b>NEXT MEETING DATE</b>	Remaining meeting date for 2018 is Wednesday, November 7 at the Norfolk Marriott Waterside. The meeting begins at 10 AM.	
<b>ADJOURNMENT</b>	The meeting adjourned at 09:50 AM.	<b>Motion made to adjourn the meeting by Gary Samuels, second by Ed Rhodes.</b>